G. R. S. IX-5]

Previous references.

LR 57/91

191 .

(Land Revenue)

LR File No. 55/92

Serial Nos. 1- 2-

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

(1)

Major Part B for

SUBJECT.

Grant of Govt lands for Garden Cultivation, in Arsikere Taluk.

Recommended

Sd/-

Submitted

W D 88—GPB—50,000—24-7-16

Rev

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

LR 55-92

SUBJECT. Grant of Govt: land on favourable terms for garden cultivation

LAST REFERENCE. Letter No. 936 dated 29th March 1893 from the Deputy Commr. Hassan.

With the above the Deputy Commissioner submits a file of correspondence relating to a Dwarkhast for garden cultivation for Survey No: 175 in the village of Kellengeré of the Arsikeré Taluk and reports that the land in question is a Bagayat one assessed at garden rates and is lying waste since 1885-1886; that as the land had not remained unoccupied

unoccupied for more than 3 years preceding the date of Government Notification No: 121 of the 17th September 1887, he could not, under Rule 7 of the above notification, comply with the wishes of the applicant without the Government Sanction; and that, on enquiry whether there were any one who could take up the land on payment of full assessment, none but the applicant came forward to take it up on full assessment provided that the land was given to him without Malkee Sale.

2 The Deputy Commissioner accordingly recommends the grant of the land in question to the applicant

on

on full assessment without collecting the value of the trees from him which is estimated ⊗ at Rs 28,

3. Mr. Purnaiya submits that the restriction laid down in para 7 of the notification causes much inconvenience to the intending Durkhastdars and loss to Government by keeping such lands unoccupied for years together on account of such a restriction and therefore suggests that the words "remained unoccupied for more than three years preceding this date" occurring in para 7 of the notification may be altered into "remained unoccupied up to date of the notification aforesaid."

Submitted for orders.

W.B
16/5/93

P. J. O.

⊗ Submitted.

The words "with reference to the present condition of the garden" occurring in rule 7, imply that the value of the trees is not to be collected from the applicant, who takes up the land for improving the garden. Section 60 of the Land Rev Code applies to trees on lands sold by auction.

W.B
17/5

Three years preceding this
Date would be 17th: Sept 1884.
Supposing a garden was
relinquished on 10 septr 84
& the garden was treated
as Govt waste from that
Date. This garden if
applied for under rule 7
on 17th: septr 87 would
be given out on Shraya
tenure because the
land remained un-
occupied for more than
3 years preceding this
Date of the Notn.

Now let us take
another instance in
which the land is
vacated in 1885
September and
the application for
it under rule 7
comes on the 5th
of septr: 1892.
The land has been
unoccupied for
nearly 7 years, and
yet it cannot be
granted under rule
7

because it was occupied for less than 3 years preceding the date of the Notn. This appears to be an anomaly.

The object of rule 7 should be conserved. Three years' time may be allowed irrespective of the date of the Notn.

For the words "preceding this date" the words "preceding the date of application may be substituted

Submitted for orders

16/8/93

Whether the Dy Comr. can grant gardens on streams or other tenures without taking the price of occupancy

under sec: 60
of the L. R. Code is questionable.
Some gardens appear
to have been so
granted in the
Arsikere Taluk,
and in this particu-
-lar instance
the Dy Com solicits
Govt sanction to
the grant of the
land without taking
the price of occupan.

- Cy
17/5/93

Rule XX of the L. R. rules
is enough to authorize the
Dy Com to grant the land without
sale - provided there are no trees
on the land - but there are trees in the land -

2 - The question whether the Dy Com can forego
the value of the trees - In the case of
many forego as a special case -
3 The words "necessary" may should
be omitted

Secy to Govt (Rev) Commr
for orders -

Rule XX para 1 is
clear on the point - Whether
the trees are valuable
trees or not must be left
to the Dy Com who will no doubt take
care that the land is not
given out to a person who
merely wishes to cut the
trees & sell them & dispose the
land thereafter.

The garden charge
does need no modifn
I think -

No Encumbrance
by charge is required
in the Arsikere Taluk

17/5/93

WO 1128
P2271
GOVERNMENT OF MYSORE

WO 936/5 quoted in file

LR 55-92-1

Deputy Commissioner's Office
Hassan 29th March 1893.

Dated: Hassan 29th March 1893.

From

P. R. Purnaiya Esqr
Deputy Commissioner
Hassan District.

To

The Chief Secretary
to Government of Mysore.

Sir,

I have the honor to submit herewith for orders of Government, a file of vernacular correspondence ending with Arsikere Taluk Amildar's report No 970 of the 24th December 1892 relating to a purkhas for survey No 175 in the village of Kellengere of the said Taluk, for Cocoanut garden cultivation on

2. On the receipt of the applicaton, the Amildar made necessary enquiries, and he found the land to be a "bagayat" one, assessed at garden rates and for which a resignaton was received in the year "Parthiva" 1888-86.

3. As the land had not remained unoccupied for more than 3 years preceding the date of Government Notificaton No 121 of the 17th September 1887, the Amildar could not, under rules published under the said Notification, comply with the wishes of the applicant, and consequently he made enquiries whether there were anyone who could take up the land on payment of

of full assessment. The applicant himself agreed to take it up on full assessment provided that the land was given to him without "walkee". No one has taken up the land on the usual terms without any special concessions.—

4. The object of my making this reference to Government is to solicit instructions about the disposal of the application in question and to represent that though the land was not occupied for three years before the year and date fixed namely 17th September 1887 (1871) the date of the Government order on the subject — it has now been in

Revenue for 7 years back. The inconvenience is felt by people to take up such garden lands and there is also loss to Government by keeping such lands for years together unoccupied on account of the restriction laid down in bar of the said Abkari Rules.

5. In order to avoid such inconveniences and losses I would take the liberty of suggesting the Government to alter the words in bar "remained unoccupied for more than three years preceding this date" into remained unoccupied" upto date of the notification aforesaid".

In this particular instance the applicant has consented

to take up the land on full assessment, but pleads inability to pay the walki. I recommend that the land may be given without collecting the value of the trees which is estimated at Rs 28.

I have the honor to be
Sir
your most obedient servant
M Burnaby
Deputy commissioner
Hassan district.

LRS-92-2

Read: (17)

Letter No: 936 dated 29th March/93 from the Deputy Commissioner, Hassan District, ~~Subcollector~~ a file of Correspondence relating to a Durkhast, ~~for~~ for garden Cultivation, for Survey No: 175 in the village of Kellengere of the Arsikere Taluk, and reporting (1) that the land in question is a Bagayet one assessed at garden rates and is lying waste since 1885-86; (2) that, as the land had not remained unoccupied for more than 3 years preceding the date of Govt: Notification No: 121 of the 17th September 1887, he could not comply with the wishes of the applicant without the Govt: Sanction, and

No. 6355-63 / R.T. 182-92 dated 27-9-93 / 2-10

Sw. V.P. sent with P.P. on the 13-10-93.

accordingly recommending the grant of the land on full assessment without Collecting the value of the trees on the land and finally Suggesting Some alterations in the wording of para 7 of the said notification as the present restriction therein laid down ~~in para 7 of the notn.~~ Causes much inconvenience to the intending Dwelling Khasdars and loss of revenue to Government by keeping such lands unoccupied for years together. ~~on account of such restriction.~~

Order thereon.

R.T. No 182-92

Rule IX of the Land Revenue Rules is enough to authorize the Deputy Commissioner to give the land without

Sale

Sale, provided there are no trees on the land:

2. But in the present case, though there are trees on the land, the Dy: Commr may, for reasons stated, forego, as a Special case, the value of the trees which is estimated at Rs. 28/-.

3. The words "preceding 17th September 1887" occurring in para 7 of the Rules issued as Appendix I to the Rules under the Mysore Land Rev: Code, as suggested by the Dy Commr, will be altered into "preceding the date of application for the land".

~~4.~~ The following Notification ~~to the above effect~~ will accordingly be published in the Mysore Gazette.

Notification

The Govt of H. H. the

Draft for Rule

Maharaja direct that
for the words "and figures preceding 17th
September 1887" occurring
in line 3, para 7 of the
Rules issued as Appendix I
to the Rules under the
Mysore Land Rev: Code,
be ~~altered into~~ the words "preceding
the date of application
for the land" shall be
substituted.

R.T. No 182-92

Chief Secretary.

To.
The Dy: Commr.
Hassan with
returning the rev: papers.
" Dy: Commrs of other
distt: for information
& guidance
" Compiler, Mysore
Gazette for
issue of the Notfn: as
No 9

To the Compiler Mysore
Gazette for issue of the
aforesaid Notfn as
Notfn No 9

1893.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 27th September 1893.

No. 6355-63.
R. F. 182-92.

Authorizing the Deputy Commissioner, Hassan District, to forego, as a special case, the value of the trees on Survey No. 175 in the Kellengere village, Arsikere Taluk, applied for for garden cultivation; and issuing a Notification altering certain words in para 7 of the Rules issued as Appendix I to the Rules under the Land Revenue Code.

Mysore Govt. C. Press, Bangalore.—6-10-93--120.

READ:—

The following letter No. 936, dated 29th March 1893, from the Deputy Commissioner, Hassan District.

I have the honor to submit herewith for orders of Government, a file of Vernacular correspondence ending with Arsikere Taluk Amildar's report No. 970 of the 24th December 1892, relating to a Darkhast for Survey No. 175 in the village of Kollengere of the said Taluk for cocoanut garden cultivation on shraya tenure.

2. On the receipt of the application, the Amildar made necessary enquiries, and he found the land to be a "bagayat" one, assessed at garden rates and for which a resignation was received in the year Parthiva 1885-86.

3. As the land had not remained unoccupied for more than 3 years preceding the date of Government Notification No. 121 of the 17th September 1887, the Amildar could not, under Rule 7 published under the said Notification, comply with the wishes of the applicant, and consequently he made enquiries whether there were any one who could take up the land on payment of full assessment. The applicant himself agreed to take it up on full assessment, provided that the land was given to him without "malki." No one has taken up the land on the usual terms without any special concessions.

4. The object of my making this reference to Government is to solicit instructions about the disposal of the application in question and to represent that though the land was not unoccupied for three years before the year and date fixed, namely 17th September 1887, the date of the Government order on the subject—it has now been unoccupied and has yielded no Revenue for 7 years past. The inconvenience is felt by people to take up such garden lands and there is also loss to Government by keeping such lands for years together unoccupied on account of the restriction laid down in para 7 of the said Koul Rules.

5. In order to avoid such inconveniences and losses I would take the liberty of suggesting the Government to alter the words in para 7 "remained unoccupied for more than three "years preceding this date" into "remained unoccupied up to date of the Notification aforesaid."

In the particular instance, the applicant has consented to take up the land on full assessment but pleads inability to pay the malki. I recommend that the land may be given without collecting the values of the trees which is estimated at Rs. 28.

No. 6355-62—R. F. 182-92, DATED, BANGALORE, 27TH SEPTEMBER 1893.

ORDER THEREON.—Rule XX of the Land Revenue Rules is enough to authorize the Deputy Commissioner to give the land without sale provided there are no trees on the land.

2. But in the present case, though there are trees on the land, the Deputy Commissioner may for reasons stated, forego, as a special case, the value of the trees which is estimated at Rs. 28.

3. The words "preceding 17th September 1887" occurring in para 7 of the Rules issued as Appendix I to the Rules under the Mysore Land Revenue Code, will, as suggested by the Deputy Commissioner, be altered into "preceding the date of application for the land." The following Notification will accordingly be published in the Mysore Gazette:—

NOTIFICATION.

No. 6363—R. F. 182, DATED, 27TH SEPTEMBER 1893.

The Government of His Highness the Maharaja direct that for the words and figures "preceding 17th September 1887" occurring in line 3, para 7 of

the Rules issued as Appendix I to the Rules under the Mysore Land Revenue Code, the words " preceding the date of application for the land" shall be substituted.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Hassan District,
returning the Vernacular papers.
The Deputy Commissioners of other Districts,
for information and guidance.
The Compiler, Mysore Gazette, for issue of the aforesaid Notification as Notification No. 6363—R. F. 182-92, dated 27th September 1893.

Exd.—M.A.